

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

NOTICE OF FILING

NOW COMES Defendants The Office of Douglas R. Burgess, LLC and Douglas R. Burgess (collectively, “Burgess”), and files this notice in support of Defendants’ Motion to Quash Subpoenas [Doc. No. 114] submitting the subpoenas issued to 1625 Buffalo Avenue, LLC and 24 Buffalo Avenue, LLC d/b/a Amendola Properties. A true and correct copy is attached hereto as Exhibit A.

Dated this the 17th day of July, 2008.

Respectfully submitted,

s/ Fern H. Singer
Fern H. Singer
Stacey A. Davis
Attorneys for Defendant

OF COUNSEL:

BAKER, DONELSON, BEARMAN
CALDWELL & BERKOWITZ, P.C.
420 North 20th Street, Suite 1600
Birmingham, Alabama 35203-5202
(205) 328-0480 -- Phone
(205) 322-8007 -- Fax

CERTIFICATE OF SERVICE

I certify that the foregoing has been served upon the following counsel of record by electronic mail on this the 17th day of July, 2008:

Gary Wyatt Stout
Michael D. Brock
David G. Poston
Brock & Stout
PO Drawer 311167
Enterprise, AL 36331-1167

Blake D. Andrews
Starnes & Atchison, LLP
100 Brookwood Place, 7th Floor
PO Box 598512
Birmingham, Alabama 35259

William Carlisle Carn, III
William Wayne Nichols
Lee & McInish
PO Box 1665
Dothan, Alabama 36302

s/ Fern H. Singer

Of Counsel

LAW OFFICES OF
BROCK & STOUT

MICHAEL D. BROCK

GARY W. STOUT

QUINN E. BROCK

Mailing Address:
POST OFFICE DRAWER 311167
ENTERPRISE, ALABAMA 36331-1167
TEL: (334) 393-4357
FAX: (334) 671-2689

Consumer Law Division

DAVID G. POSTON

WALTER A. BLAKENEY

July 2, 2008

24 BUFFALO AVENUE,LLC
P. O. BOX 408
NIAGARA FALLS, NY 14303

RE: SUBPOENA

Dear Sir or Madam:

Should you have any questions regarding the enclosed Subpoena(s), please contact our office.

Sincerely,



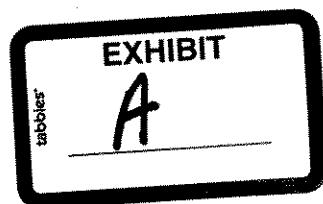
Lesley Bullock

Legal Assistant to David G. Poston, Esq.
Legal Assistant to Walter A. Blakeney, Esq.

/lob

Enclosure

Dothan Location: 200 Parkwest Circle • Suite 1 • Dothan, Alabama 36303-3069
Email: david@circlecitylaw.com • walter@circlecitylaw.com



AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

ALABAMA

RUBY STREETER

SUBPOENA IN A CIVIL CASE

v.

OFFICE OF DOUGLAS R. BURGESS, LLC., et al.

Case Number: 1:07-cv-97

TO: 24 Buffalo Avenue, LLC
P. O. Box 408
Niagara Falls, NY 14303

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE ATTACHMENT (NOTE: 2 Attachments; Not Duplicates)

PLACE	DAVID G. POSTON, BROCK & STOUT, LLC., P. O. DRAWER 311167, ENTERPRISE, AL 36331-1167, (334) 393-4357 phone, (334) 617-2689 facsimile	DATE AND TIME
<input type="checkbox"/> YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.		
PREMISES		DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Plaintiff	7/2/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David G. Poston, P. O. Box 311167, Enterprise, AL 36331-1167, (334) 393-4357.

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

1625 BUFFALO AVENUE, LLC
PO BOX 408
NIAGARA FALLS, NEW YORK, 14303

24 BUFFALO AVENUE LLC
PO BOX 408
NIAGARA FALLS, NEW YORK, 14303

This subpoena refers to

1625 Buffalo Avenue
Niagara Falls, NY 14303

As to the premises at 1625 Buffalo Avenue, Niagara Falls, NY 14303

1. Provide copies of any and all leases as between you and any entity and who is known or doing business as:
2. a. Law Office of Douglas Burgess.
b. Office of Douglas Burgess LLC
c. Law Office of Douglas Burgess, LLC.
d. Douglas R. Burgess
3. Identify every lease by the specific address and suite number.
4. Provide copies of checks, in your possession, that were tendered as lease payments for the subject property at 1625 Buffalo Avenue, Niagara Falls, NY 14303, and used to pay lease payments for the premises being occupied by or doing business as Douglas R. Burgess, Law Office of Douglas R. Burgess, LLC, Office of Douglas R. Burgess, LLC.
5. As to paragraphs 1, 2a, 2b, 2c, and 2d, if any lease has been renewed within the past 12 months, provide copies of prior leases as between you and the parties referenced in paragraph 1.
6. If any security deposit was paid on the leased premises identified in paragraphs 1 provide copies of any checks used to pay the security deposits and any receipts issued by you to the entity for the security deposit.
7. Identify by name, address and phone number, any person known to you as the "contact" for each of the leased premises identified in paragraphs 2a through 2d.
8. Provide copies of any personal guarantees for each of the leased properties identified in paragraphs 1 and 2a through 2d.
9. Provide copies of any sub-leases for each of the leased properties identified in paragraphs 1 and 2a through 2d.
10. If you are not the owner of the premises at 1625 Buffalo Avenue, Niagara Falls, NY 14303, provide the owner's name, address and phone number.

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Niagara Falls, NY 14303

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1. Provide copies of any and all leases as between you and any entity and who is known or doing business as:

2. a. Portfolio Partners, LLC
- b. Portfolio Partners of Amherst, LLC
- c. GMK
- d. Portfolio Partners

3. Identify every lease by the specific address and suite number.

4. Provide copies of checks, in your possession, that were tendered as lease payments for the subject property at 1625 Buffalo Avenue, Niagara Falls, NY 14303, and used to pay lease payments for the premises being occupied by or doing business as Portfolio Partners, LLC; Portfolio Partners and GMK, Inc., Portfolio Partners of Amherst, LLC; Portfolio Partners.

5. As to paragraphs 1, 2a, 2b, 2c, and 2d, if any lease has been renewed within the past 12 months, provide copies of prior leases as between you and the parties referenced in paragraph 1.

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10. If you are not the owner of the premises at 1625 Buffalo Avenue, Niagara Falls, NY 14303, provide the owners name, address and phone number.

LAW OFFICES OF
BROCK & STOUT

MICHAEL D. BROCK

GARY W. STOUT

QUINN E. BROCK

Mailing Address:
POST OFFICE DRAWER 311167
ENTERPRISE, ALABAMA 36331-1167
TEL: (334) 393-4957
FAX: (334) 671-2689

Consumer Law Division

DAVID G. POSTON

WALTER A. BLAKENEY

July 2, 2008

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P. O. BOX 408
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RE: SUBPOENA

Dear Sir or Madam:

Should you have any questions regarding the enclosed Subpoena(s), please contact our office.

Sincerely,



Lesley Bullock
Legal Assistant to David G. Poston, Esq.
Legal Assistant to Walter A. Blakeney, Esq.

/lob

Enclosure

SAOCSK (Rev. 12/04) Subpoena in a Civil Case

Issued by the

UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

ALABAMA

RUBY STREETER

SUBPOENA IN A CIVIL CASE

v.

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PREMISES		DATE AND TIME

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 Attorney for Plaintiff	7/2/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

David G. Poston, P. O. Box 311167, Enterprise, AL 36331-1167, (334) 393-4357.

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